IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

Crl.Rev.Pet.No. 3227 of 2003()

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CRA.133/1997 of ADDL.SESSIONS JUDGE (AD HOC) FAST TRACK COURT-II, PATHANAMTHITTA
CC.18/1995 of CHIEF JUDICIAL MAGISTRATE COURT, PATHANAMTHITTA

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REVN. PETITIONER: APPELLANT/ACCUSED.

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KAVIRAJ, S/O.AHMAD, CHARIVUPURAVIDATHIL HOUSE, MANDIRAM MURI, RANNI VILLAGE, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.P.VIJAYA BHANU
SMT.P.MAYA

RESPONDENTS: COMPLAINANT.

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STATE OF KERALA, REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 19/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**K.R.UDAYABHANU, J.**

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Crl. R.P.No.3227 of 2003

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Dated this the 19th day of November, 2007

**O R D E R**

The revision petitioner stands convicted for the offences under Sections 279, 304A I.P.C and sentenced to undergo rigorous imprisonment for six months for the offence under Section 304A I.P.C and to pay a fine of Rs.1,000/- for the offence under Section 279 I.P.C and in default to undergo simple imprisonment for two months. He also stands convicted for the offences under Sections 134(a) and (b) read with Section 187 of the Motor Vehicles Act and sentenced to pay a fine of Rs.500/- and in default to undergo simple imprisonment for one month. The allegation is that the timber protruding from the lorry bearing Reg.No.KL-3/7947 driven by the accused hit against the jeep bearing Reg.No.KL-3/9055 driven by the deceased and that the driver of the jeep died in the incident.

2. The counsel for the revision petitioner has only pleaded for modification of sentence pointing out that the incident has taken place in March 1993 and about 15 years have elapsed since the date of occurrence and that so far the accused was facing the criminal proceedings and that the sole means of livelihood of his family is his income. In the circumstances and considering the long lapse of time,

the sentence imposed for the offence under Section 304A I.P.C is modified to imprisonment till the rising of the court and to pay compensation of rupees twenty-five thousand to the legal representatives of the deceased and in default to undergo simple imprisonment for eight months. The conviction and sentence imposed for the rest of the offences are confirmed. The revision petitioner is granted three months time pay the amount of compensation. The revision petitioner shall appear before the Chief Judicial Magistrate, Pathanamthitta, on 19/02/2008 to receive the sentence.

**K.R.UDAYABHANU,**
**Judge**

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